

DIRECT TESTIMONY OF KENNETH BROWN

I, Kenneth Brown, hereby testify as follows:

1. I am the General Manager of WBOW(AM), WZZQ(AM) (formerly WBFX(AM)) and WZZQ(FM) (the "Stations"), Terre Haute, Indiana, having held that position since April 13, 1993.

2. I was hired by Janet Cox. I initially responded to an ad in Broadcasting Magazine in the Spring of 1993, which stated that all responses were to be directed to Janet Cox. I responded in writing and subsequently received a telephone call from Janet. Then we had a face-to-face meeting at the Terre Haute offices of the Stations.

3. I did not meet or speak with Michael Rice in connection with my hiring. Indeed, I did not know who Michael Rice was until after I became employed by Contemporary Media, Inc. (the "Licensee").

4. I began my broadcast career in 1959. I have more than 20 years of managerial positions with the following broadcast stations: WSWT, Peoria, Illinois (1974-81); KRVR, Davenport, Iowa (1981-82); WSWT and WIRL, Peoria, Illinois (1982-1988); WXTZ/WIRE, Indianapolis, Indiana (1988- 1992); and WMCC-TV, Marion, Indiana (1992-93).

5. From the time I assumed the general manager position with the Stations, my contacts with the company headquarters of the Licensee, located in St. Peters, Missouri, have been with Janet Cox and her administrative assistants, and never with Michael Rice. I have received no letters, memos or other correspondence, or

No. Pages: \_\_\_\_\_

Date: \_\_\_\_\_  
Witness: \_\_\_\_\_  
Reporter: \_\_\_\_\_

IN THE MATTER OF: \_\_\_\_\_  
4-2-96  
8-6-96  
Disposition: \_\_\_\_\_  
Identified: \_\_\_\_\_  
Reflected: \_\_\_\_\_  
Received: \_\_\_\_\_

Case No. \_\_\_\_\_  
Official Exhibit No. \_\_\_\_\_  
Camp 104

**Contemporary Exhibit 4**  
**Testimony of Ken Brown**  
**Page 2**

telephone calls from Mr. Rice regarding the Stations' sales, programming, personnel or operations. Similarly, I have never written a letter or memo to Michael Rice, nor have I called him for purposes of discussing the Stations' sales, programming, personnel, operations or any other matter. I meet, speak by telephone or communicate in writing on a regular basis only with Janet Cox and her administrative assistants, and never with Michael Rice.

6. On a weekly basis, I send Janet Cox a report on sales projections. Twice a week, I send reports on bank deposits made. Each month, I send month-end reports on revenues, receivables, total billings and monies received. In addition, Mrs. Cox visits the Terre Haute Stations on at least a quarterly basis, if not more frequently. Once a year, I attend a budget meeting with Janet Cox and my sales manager at the St. Peters office. We discuss all aspects of managerial duties, station policy and day-to-day operations including promotions, projected revenues, projected expenses, salaries, office supplies, promotional budgets, and audience building plans. These meetings are held in the Fall of each year. Michael Rice never attended or otherwise became involved in any of these meetings, and I have never spoken with or otherwise consulted Michael Rice on any of the issues addressed at the annual budget meetings.

7. In September 1995, I retained the services of David Lange, a programming consultant, who previously was the programming

Contemporary Exhibit 4  
Testimony of Ken Brown  
Page 3

consultant with KFMZ. I made the decision, with Janet Cox, to retain his services. I have never received programming consultation from Michael Rice.

8. Indeed, my only contacts with Michael Rice were a few casual, face-to-face conversations in Terre Haute. He came to Terre Haute three or four times for different reasons. I recall that Mr. Rice assisted in the installation of a new transmitter and tower for WBFX(AM) (now WZZQ(AM)), and on another few occasions he came to oversee the installation of antennae on the FM tower that he personally owns. During these conversations, we talked about people in the broadcast industry who we both knew or about the broadcast industry, in general. But, we had no in-depth discussions concerning the day-to-day operations of the Stations, and Mr. Rice never gave me any orders or directions concerning such operations.

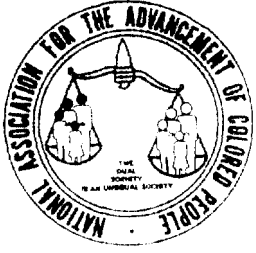
9. There are currently 15 full-time, and eight part-time, employees at the Stations. Since I have been employed with the Licensee, Michael Rice has had no involvement in any hirings or firings.

10. Mr. Rice's circumstances have not effected the Stations' operations or performance in any meaningful respect. The Stations continue to maintain a record of substantial community involvement and public service and enjoy a highly favorable reputation in the community. Attached hereto as Appendix A are sample letters of

**Contemporary Exhibit 4**  
**Testimony of Ken Brown**  
**Page 4**

thanks and recognition which the Stations have received from a variety of local charities and community organizations, including: the National Association of the Advancement of Colored People, the Young Women's Christian Association of the United States of American, The Salvation Army, the Terre Haute Police Department, Terre Haute Rotary Club, Wabash Valley Goodwill Industries, Inc., the American Heart Association, the Vigo County Youth Football League, Lifeline (a crisis intervention service), the Indiana Department of Natural Resources, Catholic Charities, the Visiting Nurse Association of Wabash Valley, Inc., Rise & Shine Campaign, Central Indiana Regional Blood Center, Indiana State University, Take Back the Night Alliance, Ivy Tech State College, the Rockville High School Junior Shadow Program, Sarah Scott Middle School, and Lifeline.

## APPENDIX A



**National Association for the Advancement of Colored People  
Terre Haute Branch**

P.O. Box 441

Terre Haute, Indiana 47808

February 24, 1988

Mr. Ron Mott, General Manager  
WBOW AM 1230  
1301 Ohio Street  
Terre Haute, IN 47807

Dear Mr. Mott

As the only radio station to recognize Black History Month in Terre Haute, the NAACP thought that you would appreciate knowing of the attached release. We deeply value the spots you devoted to black history. Marsha Stewart has been superb.

Please keep up the excellent work. May we expect the same in 1989?

Sincerely yours,

Warren C. Swindell, Chair  
NAACP Press and Publicity

ek

Enclosure



951 DRESSER DRIVE, TERRE HAUTE, IN. 47807  
Ph. (812) 232-3358

December 15, 1989

Mr. Steve Kosbau  
WZZQ  
1301 Ohio  
Terre Haute, IN 47807

Dear Steve:

Just a little note to thank you for all of your help promoting YWCA events in 1989... We appreciate your continual cooperation and the generous air time!

May your Holidays be wonderful and your New Year be filled with happiness!

Sincerely,

A handwritten signature in cursive script that reads "Wendy Bennett".

Wendy Bennett  
Communications Director

A handwritten signature in cursive script that reads "Dorothy Jerse".

Dorothy Jerse  
Executive Director



Member of the Young Women's Christian Association of the United States of America



EVA BURROWS  
*General*



HAROLD E. SHOULTS  
*Commissioner  
Territorial Commander*

## THE SALVATION ARMY

(FOUNDED 1865)  
WILLIAM BOOTH, Founder

920 N. 19TH STREET  
P.O. BOX 246  
TERRE HAUTE, INDIANA 47808  
(812) 232-4081

HERBERT H. LODGE  
MAJOR  
*Divisional Commander*

CAPTAIN & MRS. JOHN R. TEKAUTZ  
*Corps Officers*

May 20, 1991

Taylor Brown  
WBOW Radio  
1341 Ohio  
Terre Haute, IN 47807

RE: **MAY 17 OPEN LINE PROGRAM**

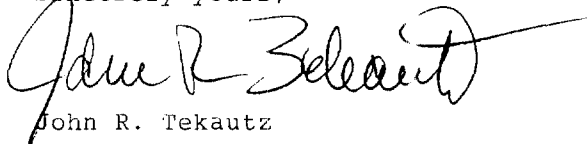
Dear Mr. Brown:

I want to express my deepest appreciation to you and WBOW for helping us to clear up the confusion regarding the Army's continued existence in the Wabash Valley. My invitation to be on Friday's program to directly respond to people's concerns is something we don't often get a good chance to do.

It is a good and healthy thing for our community to have such a forum as Open Air - as important as the Letters to the Editor in our local newspaper. Thank you for allowing us to be a part of that forum.

May God bless your important service to our community.

Sincerely yours,

  
John R. Tekautz  
Captain

JRT/mn



*"Army of God"*  
SERVING TERRE HAUTE SINCE 1888

TERRE HAUTE POLICE DEPARTMENT  
Office of the Chief  
105 City Hall  
17 Harding Avenue  
Terre Haute, Indiana 47807  
812-238-1661, ext. 201 & 203

Raymond L. Watts, Chief  
P. Pete Chalos, Mayor

December 04, 1992

Mr. Tom Lisella, Program Director  
WBOW RADIO  
1341 Ohio  
Terre Haute, IN 47807

Dear Tom:

I want to thank you for having me as a guest on your morning radio show Thursday, December 03, 1992 to discuss holiday safety tips. It's important that we get this message out to everyone. I appreciate your assistance in this matter.

Again, thank you for your cooperation in this and if there's anything I can do in the future, please don't hesitate to call me.

Sincerely,

*Raymond L. Watts*  
Raymond L. Watts, Chief  
Terre Haute Police Department

RLW/rs

city of terre haute

**TERRE HAUTE  
FIRST NATIONAL  
BANK**

One First Financial Plaza  
Terre Haute, IN 47807-3225

**R. MICHAEL DINKEL**

Vice-President  
Economic and  
Community Development  
(812) 238-6448

November 8, 1993

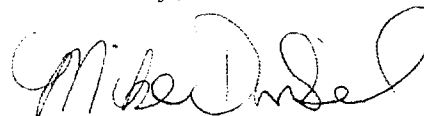
Tom Lisella  
Program Director, WBOW Radio  
1341 Ohio Street  
Terre Haute, Indiana 47807

Dear Tom:

On behalf of the Rotary Club of Terre Haute, I would like to take this opportunity to thank you for the great publicity that you provided for the Goodwill Drive on November 6. With your help, the day was a resounding success.

Please convey our appreciation to everyone at WBOW Radio station.

Sincerely,



R. Michael Dinkel, President  
Terre Haute Rotary Club

RMD:jd

cc: Bill Tennis  
Dave Piker  
Dale McKee



# Wabash Valley Goodwill Industries, Inc.

*Accredited Member Goodwill Industries of America*

November 10, 1993

Tom Lisella  
Program Director, WBCW Radio  
1341 Ohio Street  
Terre Haute, IN 47807

Dear Tom,

On behalf of all of us at Goodwill Industries, I extend a heartfelt thank you for your help publicizing the 46th Rotary Goodwill Drive. Your efforts helped make the annual event very successful.

Again, thank you and your organization for the excellent publicity.

Sincerely,

Bill Tennis  
Executive Director

**"OUR BUSINESS WORKS SO PEOPLE CAN"**

REMEMBER GOODWILL IN YOUR WILL.

OFFICES & WORKSHOP • 2702 SOUTH 3RD STREET • TERRE HAUTE, INDIANA 47802 • (812) 235-1827  
MAILING ADDRESS- P.O. BOX 2720, TERRE HAUTE, INDIANA 47802-0720  
A MEMBER OF THE UNITED WAY

American Heart Association  
1362 Wabash Avenue  
Terre Haute, IN 47807

February 10, 1993

Tom Lisella  
Program Director  
WBOW Radio  
1341 Ohio Street  
Terre Haute, IN 47807

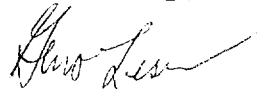
Dear Tom:

First of all, thank you for your support of the Third Annual Crystal Heart Ball. The event was well-attended, those in attendance had a good time, and we were able to raise a substantial amount of money in the fight against heart disease.

February is Heart Month, and one of the events is the "Dance for Heart", an aerobic dance marathon on Thursday February 18. I am enclosing a release on the event with this letter. Any help your organization can give in publicizing this will be appreciated.

Please contact me through the Heart office at 232-2771 if you have questions or comments. Again, thank you for your support of Heart.

Sincerely,



Geno Leser  
Communications Chair,  
Board of Directors

EHL

Enclosure

## VIGO COUNTY YOUTH FOOTBALL LEAGUE

1317 North 6th Street, Terre Haute, Indiana 47805

Telephone (812) 235-3170  
(812) 462-3419

### EXECUTIVE BOARD

JAMES A. LEWIS  
President

WILLIAM HANSEL  
1st Vice-President

RONALD GRANT  
2nd Vice-President

MIKE PHILLIPS  
3rd Vice-President

TERRY HOGAN  
Secretary

LEON HENDERSON  
Treasurer

JEFF ADAMS  
Publicity Director

### FOOTBALL COACHES

JAY BARRETT  
West Vigo H.S.

DAN McGRATH  
Terre Haute South H.S.

WAYNE STAHLEY  
Terre Haute North H.S.

August 1, 1993

Dear Tom,

I wanted to drop you a note to thank you for helping Vigo Youth Football publicize its program and in particular the registration on your morning interview program Thursday, July 22.

Our registration was the most successful by far that it has ever been and much of this was due to media publicity we received from WBOW Radio on your program and through the PSA WBOW aired and other mentions.

On behalf of the more than 700 youngsters who are enrolled in Vigo Youth Football, their families, and the league's board of directors; thank you so much again. It is appreciated far more than you can know.

Sincerely,



James A. Lewis  
President  
Vigo Youth Football



24 Hour Confidential Crisis Intervention • Information & Referral

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P.O. Box 017 • Terre Haute, Indiana 47808 • 812/238-2620

August 16, 1993

Ken Brown  
WBOW/WZZQ  
1341 Ohio St  
Terre Haute, IN 47807

Dear Ken,

Thanks so much for your help in getting the word out about our fundraiser **LAUGHLINES FOR LIFELINES**. Taking time out of your busy schedule to help us is most appreciated.

The fundraiser was very successful. All who attended enjoyed the evening and the proceeds went to a very worthy cause - **LifeLine**. Your contribution helped tremendously. We also thanked you in our printed program.

Sincerely,

Dennis Dail  
Co-Coordinator  
LAUGHLINES FOR LIFELINES



INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Executive Office  
Department of Natural Resources  
402 W. Washington, Rm. W256  
Indianapolis, IN 46204-2748

October 6, 1993

Mr. Taylor Brown  
News Director  
WBOW/WZZQ  
1341 Ohio St.  
Terre Haute, IN 47807

Dear Taylor:

Thanks so much for having me on your show the other day. Your listeners had some very good questions about a subject much on everyone's minds these days, and this was a good opportunity to provide correct information. I'm grateful to have had the forum.

Enclosed is some information on the Indiana DNR. Please let me know if you would like more on any of our programs. Much of what the DNR does is relevant to listeners in the WBOW/WZZQ area, and together we can continue to bring folks closer to this area of government.

Again, thanks for having me on the air last week. I hope to talk with you again soon.

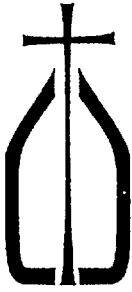
Sincerely,

Patrick R. Ralston, Director

PRR:DH  
enc







Catholic  
Charities  
USA

Catholic Charities of Terre Haute  
721 Wabash Avenue  
501 • Tribune Bldg.  
Terre Haute, IN 47807  
(812)232-1447

JOHN E. ETLING, Executive Director

October 30, 1993

Mr. Kem Brown  
WBOW  
P.O. Box 35  
Terre Haute, IN 47808

Dear Mr. Brown,

We certainly want to thank you for publicizing our  
Simeon Houses on WBOW.

Catholic Charities of Terre Haute has been providing  
this housing for elderly people for 15 years. In  
spite of our own advertisements, we still have people  
say to us, "We didn't know you were here."

At the time Robin called to invite us to broadcast  
our special events, etc., we had four vacancies here  
at Simeon House I. We are happy to tell you that we  
have reached our capacity again. We know definitely  
that your service has helped us.

Thanks again for your assistance.

Sincerely,

*Sister Rosemary Kluesner*  
Sister Rosemary Kluesner  
Activity Director

Agency Services:  
Terre Haute Catholic Charities  
Food Bank  
1356 Locust St.  
Terre Haute, IN 47807  
(812)232-1447

Elderly Services:  
Simeon House  
1801 Poplar St.  
Terre Haute, IN 47803  
(812)232-6144  
Simeon House II  
1320 Lafayette Ave.  
Terre Haute, IN 47804  
(812)232-6533

Emergency Services:  
Bethany House  
1402 Locust St.  
Terre Haute, IN 47807  
(812)232-4978

Youth Services:  
Ryves Hall Youth Center  
1356 Locust St.  
Terre Haute, IN 47807  
(812)235-1265

MEMBER AGENCY





Established 1916

**Visiting Nurse Association of the Wabash Valley, Inc.**

December 6, 1993

WBOW  
1341 Ohio Street  
Terre Haute, IN 47807

Station Manager:

Just a short note to say thank you for the part you played in helping us share our services to the public during National Home Health Care Week. Literally dozens of comments were received by the public service announcements aired on your station during the week of November 28 - December 4th.

Your help and support truly made my job a little easier. I look forward to working with you again in the future.

Sincerely,

E. Ruth Mahurin

*Central Office:*

686 Wabash Avenue  
Terre Haute, IN 47807  
Telephone: (812) 232-7611  
Fax: (812) 232-1893



*Sullivan Office:*

Telephone: (812) 268-5685  
Fax: (812) 268-3264

# MULTIMEDIA

SERVICES COMPANIES, INC.

319 North Fourth Street • Saint Louis, Missouri 63102  
314/241-0001 • FAX: 314/241-1860

February 23, 1994

Mr. Ken Brown  
General Manager  
WZZQ-FM  
1341 Ohio St.  
Terre Haute, IN 47807

Dear Ken:

Let me take this opportunity to express our deepest thanks to you and your station for all you did to support the 1994 Rise N' Shine for Heat campaign. Due to the heightened awareness generated by your participation, this years fuel fund benefit was a real success. Not only was a significant dollar amount collected, but public awareness of this vital community problem was greatly enhanced.

We have been working closely with your local fuel fund agency and/or energy assistance program, and they wish to extend their gratitude to you. Without the involvement of community-minded media partners like yourself, such massive charity projects would be impossible.

Hardee's restaurants are committed to improving the quality of life in the communities where they live. On behalf of our client, we commend your extra effort during this media neutral public service event. We look forward to your assistance again next year, and thank you in advance for all of your cooperation in the coming year.

Sincerely,



Gentry W. Trotter  
Rise & Shine Campaign Director

cc: FCC files

Central Indiana Regional  
Blood Center



Danny Wayne  
WZZQ  
1341 Ohio Street  
Terre Haute, IN 47807

Dear Danny,

The 58 units of blood during the WZZQ promotion could help as many as 232 patients in our area. On their behalf, so many thanks to you and WZZQ, for promoting the need for blood. Our thanks for your help in this life saving community program.

Sincerely,

Mike Sullivan  
Field Representative

MS/lr  
04-14-94



# Indiana State University

Blumberg Center  
for Interdisciplinary Studies in Special Education

May 23, 1994

Taylor Brown  
WBOW - WZZQ  
1341 Ohio Street  
Terre Haute, IN 47803

Dear Taylor:

On behalf of the Accessing Technology Through Awareness in INdiana (ATTAIN) Project, we would like to thank you for your assistance and support in publicizing the Assistive Technology Fairs.

Our most sincere appreciation for your efforts and willingness to give of your time and expertise. Our continued professional interests will make a difference in the quality of services available for people with special needs in Indiana.

Sincerely,

Jennifer E. Meadows

Director of Special Projects  
ATTAIN/ITRAID Projects

Connie Lark  
Administrative Assistant

# TAKE BACK THE NIGHT ALLIANCE

951 Dresser Drive  
Terre Haute, IN 47807  
(812) 232-3358



Break the Silence  
Stop the Violence

May 23, 1994

Taylor Brown  
WBOW  
P.O. Box 35  
Terre Haute, IN 47808

Dear Taylor,

On behalf of the Take Back the Night Alliance, I wish to thank you for the radio coverage publicizing our Take Back the Night March held April 29.

We were pleased with the results of the coverage and feel that it helped raise awareness of the seriousness of the problem of violence against women in our community and throughout the world. We appreciate your part in raising that awareness and in publicizing the March.

Sincerely,



Jackie McCracken  
Take Back the Night Alliance



**IVYTECH**

Indiana's Technical College

August 3, 1994

Ken Brown and Staff  
WZZQ  
1301 Ohio Street  
Terre Haute, IN 47807

Dear Mr. Brown and Staff:

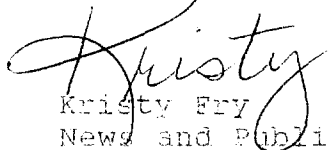
On behalf of Ivy Tech State College, I would like to extend my appreciation for your support of Riverfest '94. I felt the Raft Race went well and was a success. We did feel the course was too long and hope to revamp the event for next year.

At this time I plan to move Riverfest to June if possible to avoid the Vigo County Fair. Also, I will be mailing the raft race teams a survey to help rate the event and to use for next year during the planning stages.

I hope you will once again consider being a sponsor of the Raft Race. Robert Cox and I had a discussion about possibly bringing in a third sponsor to help with the race. I will contact you early in the year to discuss our future plans.

Again, I thank you all for your time, effort and support!

Sincerely,

  
Kristy Fry  
News and Publications



# ROCKVILLE JR.-SR. HIGH SCHOOL

506 N. Beadle St., Rockville, IN 47872 (317) 569-5686 / 569-2203

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November 1994

Mr. Jack Lawson  
107.5 WZZQ  
1341 Ohio Blvd.  
Terre Haute, IN 47803

Dear Mr. Lawson:

I would like to thank you for supporting and cooperating with the Rockville High School Junior Shadow Program. We appreciate you taking the time to incorporate having students visit during your regular work day. The response from the students has been favorable.

This was our thirteenth year for the Shadow Program. If you have any suggestions, I would personally welcome them. Because of the favorable reactions and perceived benefit, we are continuing the program. We will most likely be contacting you again next year if we have students interested in your career related area. Thanks.

Sincerely,

Rosann Campbell  
Counselor

RC/mje





*Home of the Scotties*

# Sarah Scott Middle School

2000 S. 9th Street

Terre Haute, Indiana 47802

(812) 462-4381

Dr. Sandra Kelley  
Principal

Harry Secrest  
Dean of Students

Ann Carroll  
Counselor

July 6, 1995

WBOW  
1341 Ohio Blvd.  
Terre Haute, IN 47807

Dear Susie;

On behalf of Sarah Scott Middle School, please accept our thanks for WBOW's support of our first annual "Bike Rally". The Bike Rally was a tremendous success! We were thrilled with the teacher, parent and student participation in this all-school event. The Bike Rally was to draw our students attention to the daily struggle with hunger many in this community face, as well as build pride in Sarah Scott Middle School. Because of your generous support, we were able to provide gifts to many of those participating in the rally.

Thank you so much for agreeing to be a part of this worthwhile effort! As we begin to plan for the May 1996 Bike Rally, may we count on your continued support? Please keep Sarah Scott Middle School in your budget for 1996 donations. We look forward to a continued partnership with WBOW. Again, thank you.

Sincerely,

Scotia R. Brown  
Parent Advisory Council